

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
FRANCIS J. HARVEY, JR. and  
JEAN P. WILHELM,

Plaintiffs,

Civil Action No.  
07-Civ-6763 (LAP)

-against-

320 OWNERS CORP. and CHARLES LOWERY,  
In his capacity as President of 320 Owners Corp.,

Defendants.  
-----X

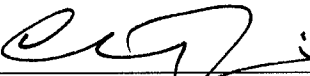
I, Traci Fields, being duly sworn, deposes and says:

1. That I am not a party to the within action, am over 18 years of age and am employed by KAGAN LUBIC LEPPER LEWIS GOLD AND COLBERT, LLP, 200 Madison Avenue, New York, NY 10016, Attorneys for Plaintiff.

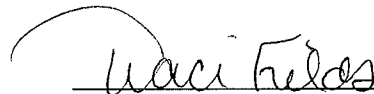
2. That on August 29, 2007, I served the within **MEMORANDUM OF LAW IN SUPPORT OF DEFENDANTS' CROSS-MOTION TO DISMISS AND IN OPPOSITION TO PLAINTIFFS' MOTION FOR INJUNCTIVE RELIEF** by overnight courier, Federal Express, by supplying a true copy thereof enclosed in a sealed, properly addressed envelope in an official depository under the exclusive care and custody of Federal Express, in the Borough of Manhattan, City and State of New York, addressed to:

Stephen a. Somerstein, Esq.  
292 Garfield Place  
Brooklyn, New York 11215

Sworn to me on the  
29<sup>th</sup> day of August, 2007



Notary Public



Traci Fields

CHRISTOPHER R. TRAVIS  
Notary Public, State of New York  
No. 02TR6168037  
Qualified in RICHMOND County  
Commission Expires JUNE 4, 2011

From: Origin ID: JRAA (212)252-0300  
 Denise M. Campbell  
 Kagan Lubic Lepper Lewis Gold  
 200 Madison Avenue  
 24th Floor  
 New York, NY 10016

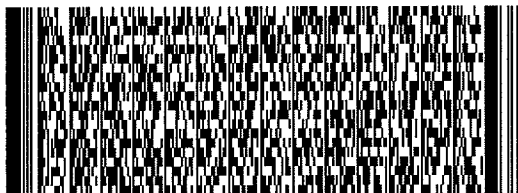


CL5052987/2/123

SHIP TO: (718)369-2276 **BILL SENDER**  
**Stephen A. Somerstein, Esq.**

**292 Garfield Place**

**Brooklyn, NY 11215**



Ship Date: 28AUG07  
 ActWgt: 1 LB  
 System#: 1465518/INET7061  
 Account#: S \*\*\*\*\*

Delivery Address Bar Code



Ref # 217-3000  
 Invoice #  
 PO #  
 Dept #

TRK# 7925 4973 3326  
 0201

**WED - 29AUG A2**  
**PRIORITY OVERNIGHT**

**ZC-FBTA**

**EWR**  
**NY-US**  
**11215**



Shipping Label: Your shipment is complete

1. Use the 'Print' feature from your browser to send this page to your laser or inkjet printer.
2. Fold the printed page along the horizontal line.
3. Place label in shipping pouch and affix it to your shipment so that the barcode portion of the label can be read and scanned.

**Warning: Use only the printed original label for shipping. Using a photocopy of this label for shipping purposes is fraudulent and could result in additional billing charges, along with the cancellation of your FedEx account number.**

Use of this system constitutes your agreement to the service conditions in the current FedEx Service Guide, available on fedex.com. FedEx will not be responsible for any claim in excess of \$100 per package, whether the result of loss, damage, delay, non-delivery, misdelivery, or misinformation, unless you declare a higher value, pay an additional charge, document your actual loss and file a timely claim. Limitations found in the current FedEx Service Guide apply. Your right to recover from FedEx for any loss, including intrinsic value of the package, loss of sales, income interest, profit, attorney's fees, costs, and other forms of damage whether direct, incidental, consequential, or special is limited to the greater of \$100 or the authorized declared value. Recovery cannot exceed actual documented loss. Maximum for items of extraordinary value is \$500, e.g. jewelry, precious metals, negotiable instruments and other items listed in our Service Guide. Written claims must be filed within strict time limits, see current FedEx Service Guide.

**Traci Fields**

---

**From:** TrackingUpdates@fedex.com  
**Sent:** Wednesday, August 29, 2007 10:06 AM  
**To:** Traci Fields  
**Subject:** FedEx Shipment 792549733326 Delivered

---

This tracking update has been requested by:

Company Name: Kagan Lubic Lepper Lewis Gold

Name: Denise M. Campbell

E-mail: tfields@kll-law.com

---

Our records indicate that the following shipment has been delivered:

Tracking number:	792549733326
Reference:	217-3000
Ship (P/U) date:	Aug 28, 2007
Delivery date:	Aug 29, 2007 10:03 AM
Sign for by:	Signature Release on file
Delivered to:	Residence
Service type:	FedEx Priority Overnight
Packaging type:	FedEx Pak
Number of pieces:	1
Weight:	2.00 lb.

Shipper Information  
Denise M. Campbell  
Kagan Lubic Lepper Lewis Gold  
200 Madison Avenue  
24th Floor  
New York  
NY  
US  
10016

Recipient Information  
Stephen A. Somerstein, Esq.  
292 Garfield Place  
Brooklyn  
NY  
US  
11215

Special handling/Services:  
Deliver Weekday  
Residential Delivery

Please do not respond to this message. This email was sent from an unattended mailbox. This report was generated at approximately 9:06 AM CDT on 08/29/2007.

To learn more about FedEx Express, please visit our website at [fedex.com](http://fedex.com).

All weights are estimated.

To track the latest status of your shipment, click on the tracking number above, or visit us at [fedex.com](http://fedex.com).

This tracking update has been sent to you by FedEx on the behalf of the Requestor noted above. FedEx does not validate the authenticity of the requestor and does not validate, guarantee or warrant the authenticity of the request, the requestor's message, or the accuracy of this tracking update. For tracking results and fedex.com's terms of use, go to [fedex.com](http://fedex.com).

Thank you for your business.

8/29/2007